

Circuit Court for Prince George's County
Case No.: CAD14-31330

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 547

September Term, 2023

MARCUS D. STEELE

v.

ALICIA C. STANFORD

Friedman,
Ripken,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Ripken, J.

Filed: February 14, 2024

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

In August of 2015, the Circuit Court for Prince George’s County awarded joint legal and shared physical custody of the parties’ minor child to appellee, Alicia Stanford (“Mother”),¹ with primary physical custody to Mother and reasonable rights of visitation to appellant, Marcus Steele (“Father”).

In November of 2022, Mother filed a complaint to establish child support. The court scheduled a child support hearing before a magistrate on April 20, 2023, where Mother appeared *pro se* and Father failed to appear. Following the hearing, the magistrate recommended Father pay Mother \$400 per month in child support. On May 17, 2023, the court adopted the magistrate’s child support recommendation and ordered Father’s payment of child support. The order did not alter or amend child custody. The following day, Father noted an appeal.

On appeal, Father does not challenge the child support order from which he appeals. Instead, his assertions relate primarily to child custody. Specifically, he requests a “[r]easonable modification” of the child custody agreement, entered in 2015, adding that it is “restrictive in nature, does not consider the monetary value of visiting the child, . . . and does not adequately offer the appellant quality father and child time with child[.]” Further, he asks this Court to vacate the child support order so the circuit court can consider a motion to modify custody that he filed several months after noting this appeal.

Father’s challenges to the child custody order are not properly before us in this appeal. *See* Md. Rule 8-202(a) (providing that an appeal “shall be filed within 30 days after

¹ Mother did not file a brief in this Court.

entry of the judgment or order from which the appeal is taken.”). Further, Father fails to challenge the child support determination appealed, nor indicate ““legal error or abuse of discretion”” on behalf of the circuit court. *Ruiz v. Kinoshita*, 239 Md. App. 395, 425 (2018) (quoting *Ware v. Ware*, 131 Md. App. 207, 240 (2000)). Accordingly, the judgment shall be affirmed.²

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**

² We note that Father failed to comply with this Court’s September 15, 2023 order regarding the filing and service of the child support hearing transcript and thus, that this Court is without the benefit of the transcript on appeal. *See* Md. Rule 8-413(a)(2). However, and although we have discretion to dismiss the appeal pursuant to Md. Rule 8-602(c)(4), because Father fails to challenge the child support determination, we affirm based upon the merits of the appeal. *See Rollins v. Cap. Plaza Assocs., L.P.*, 181 Md. App. 188, 202 (2008) (noting that where an appellant violates the rules of appellate procedure, that “reaching a decision on the merits of a case ‘is always a preferred alternative’” to dismissal) (quoting *Joseph v. Bozzuto Mgmt. Co.*, 173 Md. App. 305, 348 (2007)).